

United States Court of Federal Claims

No. 09-476 C

May 10, 2010

PlanetSpace Inc.,

Plaintiff,

v.

United States of America,

Defendant,

Space Exploration Technologies Corporation,

Intervenor, and

Orbital Sciences Corporation,

Intervenor.

SCHEDULING ORDER

In its April 6, 2010 Opinion and Order, the court remanded this matter to the National Aeronautics and Space Administration, directing the agency's source selection authority ("SSA") to file a sworn declaration "making explicit and unambiguous the trade-off analysis that he believed was implicit in his source selection decision." *PlanetSpace Inc. v. United States*, 2010 WL 1783243 at *28 (Fed. Cl. 2010). The court withheld judgment on counts (1) and (2) of the complaint, pending receipt of the SSA's declaration, but dismissed with prejudice all other counts. *Id.* On May 3, 2010, the SSA filed the court-ordered declaration. In its subsequently filed joint status report ("JSR"), the parties propose "two sets of simultaneous briefings with respect to that declaration." May 10, 2010 JSR at 1–2. Plaintiff proposes a lower page limit for intervenors' briefs. *Id.* at 2. However, as parties to this litigation, intervenors must be treated no differently from plaintiff or defendant.

Accordingly, it is ORDERED that the parties SHALL FILE SUPPLEMENTAL MEMORANDA, each limited to 15 pages, that address the SSA's declaration, including whether, in light of the declaration, any issues remain for the court to decide. Specifically:

1) Each party shall file, by Monday, June 14, 2010, a supplemental memorandum; and thereafter,

2) Each party shall file, by Monday, June 28, 2010, a response to the supplemental memorandum or memoranda filed by the opposing party or parties.

IT IS SO ORDERED.

s/ Lawrence J. Block
Lawrence J. Block
Judge